

MINUTES
SANDY CITY COUNCIL MEETING
Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

April 24, 2007

Meeting was commenced at 7:05 p.m.

PRESENT:

Council Members: Chairman Dennis Tenney, Vice Chairman Bryant Anderson, Scott Cowdell, Steve Fairbanks, Chris McCandless, Linda Martinez Saville, and Stephen Smith

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; Deputy City Attorney Kathy Jeffery; Community Development Director Michael Coulam; Planning Director James Sorensen; Planning Manager James McNulty; Public Works Director Rick Smith; City Engineer Michael Gladbach; Economic Development Director Randy Sant; Council Office Director Phil Glenn; Council Office Manager Pam Lehman

1. **OPENING REMARKS/PRAYER/PLEDGE**

The Prayer was offered by **Councilman Steve Smith**, and the Pledge was led by **Boy Scout Trip Affleck**, from Troop #533.

2. **CITIZEN (S) COMMENTS:**

a. There were no Citizen Comments.

PUBLIC HEARING(S):

3. **Street Vacation/Closure – Union Park Avenue East Frontage Road**
Continued from 4/17/07

Public Hearing to consider a request by Mr. Dan Christensen, Representing Park Avenue Partners, LLC., to vacate or otherwise close the frontage road located on the east side of Union Park Avenue at approximately 7675 South to 7701 South to enable him to acquire approximately .397 acres of the property and incorporate it into his development.

Discussion: Community Development Director Mike Coulam reported that Mr. Dan Christensen, representing Park Avenue Partners, L.L.C., has filed a request that the City Council close the frontage road located on the east side of Union Park Avenue to enable him to acquire a portion of it and incorporate it into his development. Cirrus Properties has also indicated a possible interest in making an offer on the road. It is proposed that this property be closed, divided into two sections (north and south), so that the land area associated with this right-of-way may be sold for appropriate development.

The Planning Commission held a public meeting on February 16, 2006. The Planning Commission determined that preliminary review was complete and approved a conditional use permit for the Village @ Park Avenue site plan. On May 4, 2006 a revised preliminary review was reviewed and determined to be complete with a number of conditions of approval. One of the approved conditions required the developer to proceed through the road closure process with Sandy City for closure and sale of the existing frontage road property along Union Park Ave.

Sandy City Ordinance requires that the Planning Commission review all requests to modify a public street, and to make a recommendation to the City Council. The City Council is required to hold a public hearing prior to making a final decision.

The area under consideration is currently being used as an existing right of way (frontage road) that services a number of the existing properties that are currently located on the east side of Union Park Ave.

ANALYSIS

The proposed frontage road to be closed is located between approximately 7675 and 7715 South (east of Union Park Avenue). Currently, this frontage road provides access to a number of existing properties. The road was originally part of Union Park Ave (then called 13th East). When Union Park was realigned this portion was not needed for the road. It was then built as a frontage road to allow access to the 4 or 5 adjacent duplex lots and to provide an alternative to having each separate duplex lot from having a separate driveway directly accessing Union Park Avenue. Union Park Avenue is a very busy street and the City and owners of the lots agreed that access to a frontage road would be safer than direct access to Union Park Ave. With the approval of the site plan for the Village @ Park Avenue, the northern portion of the subject property is no longer needed as a public street. The southern portion may not be necessary if it is integrated into a development that may be proposed in the future on the Cook and Cirrus properties.

The determination as to how the property is disposed of and to whom is determined in compliance with the City and State law.

GENERAL PLAN COMPLIANCE

The closure of this frontage road east of Union Park Avenue is consistent with the following Goal and Policy:

GOAL: Design Transportation Facilities To Assure Even and Efficient Traffic Flow Throughout The Community.^{1 3}
Required Street are classified as follows: Major Arterial, Minor Arterial, Major Collector, Minor Collector. Source: Master Transportation Plan Element, Sandy City General Plan, adopted September 1996.

POLICY: Conduct a continual evaluation of the road system to insure that proposed and existing road designs will adequately serve the functional needs of the community.²

This frontage road is not classified as a required street³ on the Master Transportation Plan maps. Closure of this section of the street will not affect the implementation of the General Plan nor the required street system.

This street is not specifically identified as a necessary public facility or property for the necessary purposes of carrying out the General Plan. This closure also would not be contrary to the General Plan, nor is it necessary to carry out other City projects.

Citizen and Other Issues

No citizen issues have been raised prior to the hearing.

Staff has the following concern regarding this proposal as submitted by the applicant:

The entire frontage road may be vacated or closed. It is recommended that the northern portion be sold to the developer of the Village @ Park Avenue. The southern portion may be closed now, retained as a public right-of-way until such time as a site plan has been approved and an application for closure has been submitted for the southern portion of the road or retained as public right of way to serve a future development.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to consider all the options and to close at a minimum the northern portion of the frontage road that is located on the East side of Union Park Avenue between approximately 7675 and 7715 South as described in Exhibit "A", attached for the following reasons:

This right-of-way is not needed for regular vehicle traffic and does not appear on the official Sandy City Street Map.

The site of the Village @ Park Avenue is a very narrow site and without the proposed closure, the property owners would be severely limited on what could be built on the site due to the steep grades on the east side of the property.

The City will benefit from the development of this currently underutilized property.

Neither the public interest nor any person will be materially injured by the proposed closure because all parcels will continue to have public access.

Deputy City Attorney Kathy Jeffery read a fax that from Attorney Vincent C. Rampton, who is representing the Cirrus and The Property Trust (Craig Cook, Trustee). He believes the proposed street vacation/closure would put his clients and Sandy City in violation of governing safety standards. Mr. Rampton was unable to attend the meeting, and asked that a copy of the letter be distributed to the City Council. **[Ref: Exhibit "A"]**

City Engineer Mike Gladbach, explained that the frontage road was created to provide a safe access for those properties, and prevent single entrance driveways onto Union Park Avenue. Union Park Avenue is a very busy street and the City and owners of these lots agreed that access to a frontage road was safer than direct access onto Union Park Avenue.

The frontage road, as it exists today, is no longer necessary. The southern portion of the road will not be needed if these parcels are integrated into a development in the future. It has always been the understanding that when these properties were developed, the road would be removed.

Dennis Tenney asked Mr. Gladbach, from a safety perspective, if he was comfortable with the proposed road design.

Mike Gladbach explained that the southern parcel of the road could be sold to Cirrus, the owners of the property along Forbush Lane. These properties are small parcels of land, and if they are eventually developed into commercial, they do not foresee a huge amount of traffic accessing this area.

Steve Smith stated that even if the southern parcel of the road were sold to Cirrus, their access onto the property would remain the same whether they or the City owns the parcel.

Chairman Tenney asked the developer, Dan Christensen, if he had any additional comments. **Mr. Christensen** indicated that he felt comfortable with the presentation.

Chairman Tenney opened the Public Hearing. The hearing was closed, as there were no comments.

Chris McCandless reported that he took a tour of the Cirrus and Cook parcels. He found that both of these parcels are very small, and would be very challenging to develop. He could also see that the original access onto the property would not be affected by the closure. He felt closing the road would provide additional property for the landowners, and increase the value of their properties.

Motion: **Chris McCandless** made a motion sending a positive recommendation to the Mayor, to close the frontage road located on the east side of Union Park Avenue at approximately 7675 South to 7701 South, which would enable the applicant to acquire approximately .397 acres of the property and incorporate it into his development.

Second: **Bryant Anderson**

Question on the Motion:

Phil Glenn asked Mr. McCandless if it was his intent to include other potential applicants as part of the

Chris McCandless stated that his intent was to recommend that the property be made available to the applicant.

Kathy Jeffery explained that the Mayor will take the Council's and Planning Commission's recommendation into consideration, prior to making a final determination on the disposition of the property.

Vote: **McCandless –Yes, Anderson – Yes, Smith- Yes, Fairbanks –Yes, Saville – Yes, Cowdell- Yes, Tenney – Yes.**
Motion Approved: All in Favor

5. Community Development Block Grant Consolidated Plan/Action Plan for 2007-08

Public Hearing to review the proposed Community Development Block Grant (CDBG) Consolidated Plan/Action Plan for Fiscal Year 2007-08 and authorize Mayor Tom Dolan to submit said document to the U.S. Department of Housing and Urban Development (HUD). A copy of the plan is available for review in the Sandy City Community Development Department, Room 210.

Discussion: Planning Manager Jim McNulty expressed appreciation to members of the Community Development Block Grant (CDBG) Citizen's Advisory Committee for their volunteer service and commitment in carefully reviewing each application and submitting their recommendations for the 2007-08 CDBG Budget. Mr. McNulty introduced each of the committee members as follows: Chairman Jeff Smith, Joseph Baker, Donald Gerdy, J'Nell Wright, Macleans GeoJaJa, Kay Burton, Allan Setterberg, and Stephanie Sherrell.

Mr. McNulty presented a brief power point presentation from the CDBG Committee and their proposals for the Annual Action Plan for Program Year 2007-08. **[Ref: Exhibit "B"]**

The Consolidated Plan for Sandy City, Utah, must be submitted to the Department of Housing and Urban Development (HUD) as a prerequisite to receive funds under the formula grant programs:

- Community Development Block Grant (CDBG)
- Home Investment Partnership Program (HOME)
- Emergency Shelter Grant (ESG)
- Housing Opportunities for Persons with AIDS (HOPWA)

The overall goal of these programs is to develop viable urban communities by providing decent housing and a suitable living environment with expanding economic opportunities, principally for low-and moderate-income persons. Decent housing includes assisting homeless persons; maintaining the affordable housing stock; increasing the availability of affordable permanent housing; and increasing the supply of supportive housing which provides services for persons with special needs.

The available funding for the 2007-2008 CDBG Budget is as follows:

2007-2008 CDBG Entitlement (new money) - \$408,215
Program Income from Housing Rehab Program (estimated) - \$101,000
Un-programmed Funds (completed or terminated projects) - \$43,842.08
Total Funding available: \$553,057,08.

The un-programmed funds are generated by projects previously funded in prior fiscal years that have been completed or canceled. This dollar amount reflects the termination of funds from four fiscal year 2002 projects, and 1 fiscal year 2005 project.

Mr. McNulty indicated that the City received 22 applications, with requests for CDBG funding totaling

\$595,149, which exceeded the available funding by some \$42,092.

The Section 108 Loan Guarantee Fund, used to help construct the Sandy Senior Citizen Center, is scheduled for final payment in the year 2015. The loan was secured to construct the Senior Citizen Center located at 9310 South 1300 East. HUD uses this facility as a model for other communities seeking to obtain Section 108 loans in their communities.

Under the Housing Activities, it has been proposed to fund 3 activities: ASSIST - SHIPP - and Transitional Home Maintenance. The amount available to spend on Public Services is set by Federal Law at 15% of the grant amount, or \$61,232, which will fund twelve proposed activities. The CDBG Committee recommendations are based on project eligibility, most urgent needs, and past performance.

James Sorensen reported that five loans were issued through the Salt Lake County Consortium Housing Rehabilitation program last year. He reported that the down payment assistant program has not been utilized since federal guidelines only allow assistance on homes that are \$180,000 or less. It is very difficult to find homes in our community that meet the price range guidelines.

Mr. Sorensen reported that an additional \$7500 would be funded through consortium funds to create a back porch and fencing system for the tri-plexes that are being constructed under the Historic Sandy Housing Rehabilitation Project.

Chris McCandless asked why federal requirements have not been revised to meet inflation costs on home loans.

James Sorensen stated that when interest rates dropped, a standard loan could be issued at a lower interest rate than the rehabilitation loan. As interest rates continue to climb, the rehabilitation loan will become more popular.

Chairman Tenney opened the Public Hearing.

a. Velda McDonald, Sandy Counseling Centers, 8184 South Highland Drive, provides counseling and mentoring services at the Sandy Boys and Girls Club. She asked the Council to consider increasing their funding from \$2000.00 to \$5000.00 to further assist at risk children in the community.

b. Michelle Flynn, Road Home, noted that they operate the homeless shelter and housing program in Salt Lake County. She expressed appreciation for the City's and the Block Grant Committee's support. She reported that they provided services for 271 residents from the Sandy area. They also provide housing to homeless individuals in the community.

c. Amy Russell, Y.W.C.A. of Salt Lake, noted that they submitted a request to Sandy City for \$5,000.00 in CDBG funds. She reported that they house women in the community who are victims of domestic violence. From 1999-2005, there has been a 55% increase in the number of shelter nights provided in the State of Utah. From the same time period, there has also been a 3,000% increase in the number of women and children who are turned away from shelters.

d. Roger Borgnicht, ASSIST Director, expressed appreciation to the City Council for their past support. He reported that the Emergency Home Repair Program works in conjunction with the SHIPP program that provides a funding source for low-income and disabled residents to make minor emergency home repairs.

e. Diane Spencer, representing the Family Support Center in Midvale, reported that their agency works to prevent child abuse and assist in strengthening families. They work closely with the YWCA, South Valley Sanctuary, and Legal Aid Society to provide the resources needed to protect children. She expressed appreciation for the recommendation of funding for the Crisis

Nursery. Their facility provided assistance for some seventy-five Sandy residents last year.

- f. **Jill Sundstrand**, Big Brother /Big Sisters, 151 East 5600 South, stated that they had not been recommended for funding in this year's CDBG funding. She reported that this organization was established some 29 years ago, and served 1,409 children last year. In 2006, they served 47 children from the Sandy area, through their Community Mentoring Program. She asked the City to reconsider funding their organization.
- g. **Sheena -----**, South Valley Sanctuary, expressed appreciation for the CDBG funding they received. She reported that during the first quarter of 2007, they served seven clients from Sandy City. Their shelter also houses men who suffer from domestic violence. She reported that this has become an increasing problem in the community.

Stewart Ralphs, Executive Director of the Legal Aid Society, expressed appreciation to the City for their support. He indicated that they assist people by providing counseling in family law, domestic relations, repaying child support, alimony, and child custody issues. He stated that the average cost to serve each case is far less than what one would pay an attorney from the private sector.

i. **Christy McDonald**, Utah Food Bank, expressed appreciation to Sandy City, the Mayor, and Staff for their hard work and efforts in supporting the Utah Food Bank. Last year, the Utah Food Bank provided over a half -million pounds of food to agencies that serve Sandy residents. She reported that CDBG funds would be used to purchase boxes and totes for transporting food to various cities and agencies. She reported that they also sponsor a program called Services For Seniors, which pays for minor home repairs that do not require a contractor. They also sponsor the 2-1-1 Program, which assists residents in finding resources that are available to them.

Phil Weimar, Copperview Community Health Center, expressed appreciation to the Council for funding which helps provide health care to low-income families. He reported that last year, his facility provided care to over 577 low-income families from the Sandy area.

Lori Sandoval, Salt Lake Community Action Program (CAP), South County Food Pantry, and Harrison Street Food Bank (in Sandy), reported that they provide mortgage counseling to seniors and low-income families, the homebuyer-purchasing program, and the reverse mortgage-counseling program for elderly residents.

Alan Tuttle, Salt Lake County Housing Authority, reported that the funding that they received from CDBG funds last year went towards improvements to low-income families for maintenance and upkeep of their properties.

m. **Sharon Bageland**, Salt Lake Community Action Program, expressed appreciation for the CDBG Committee's recommendation to fund the Comprehensive Housing Financial Counseling. Over 49% of the residents served by the program are below medium income levels. They provide counseling on default and foreclosure, reverse mortgage, and first time homebuyers. They have seen a significant increase in the number of families who are in default of their mortgages.

Chairman Tenney closed the Public Hearing.

Scott Cowdell expressed appreciation to all of the agencies for their help and stated that he wished the City could give more funding to help them in their worthwhile causes.

James Sorensen noted that the only way that funds can be allocated to another organization, is to take funding from one organization and give to another.

Chris McCandless stated that he would support one small change in the CDBG funding. He recommended that \$175.00 be taken from the other agencies and given to the Big Brothers/ Big Sisters

Organization. Mr. McCandless stated that he is partial to this organization, since they provide a great resource for those children who have no other option.

Steve Smith stated that Sandy City, at times, has a reputation of being a wealthy community. He also stated that there are residents in our community that are in need of services provided by these agencies. He expressed appreciation to all of the agencies and their efforts.

Bryant Anderson also expressed appreciation for the assistance that these agencies offer to the people in our community.

Linda Martinez Saville stated that she also realizes the importance of these agencies and the services that they provide. She indicated that she works with the Sandy Counseling Center at the Sandy Boys and Girls Club. She stated that she would allocate funding to this agency if it was available, so that their services could be utilized on a more frequent basis at the Club.

James Sorensen stated that the Sandy Counseling Center still has unspent funding that is available to them for this upcoming year. He suggested that the Council could review their application during next year's budget.

Steve Fairbanks stated that his hope would be that one day funding for these agencies is no longer needed, since a better way has been found to help families in need without utilizing government funding.

Motion: **Reference Agenda Item #5.**

COUNCIL ITEMS:

5. Adopting Sandy City's 2007-08 Community Development Block Grant Action Plan and Consolidated Plan

Resolution #07-17 C – authorizing Mayor Tom Dolan, Chief Executive Officer, to sign and submit to the U.S. Department of Housing and Urban Development Sandy City's 2007-08 Community Development Block Grant Action Plan and Consolidated Plan.

Motion: **Steve Fairbanks** made the motion to adopt Resolution #07-17 C, authorizing Mayor Tom Dolan, Chief Executive Officer, to sign and submit to the U.S. Department of Housing and Urban Development Sandy City's 2007-08 Community Development Block Grant Action Plan and Consolidated Plan, and to also include taking \$150.00 from all the agencies, giving a total of \$1800.00 to the Big Brothers/Big Sisters Program.

Second: **Chris McCandless**

Vote: **Fairbanks – Yes, McCandless – Yes, Cowdell- Yes, Smith – Yes**

Anderson – Yes, Saville – Yes, Tenney – Yes

Motion Approved: All in Favor

6. Fair Housing Month

Resolution #07-18 C – proclaiming the month of April, 2007, as Fair Housing month in Sandy City.

Motion: **Chris McCandless** made the motion to adopt Resolution #07-18 C, proclaiming the month of April, 2007, as Fair Housing month in Sandy City.

Second: **Steve Fairbanks**

Vote: **The Council responded verbally in the affirmative to the motion.**

All in Favor

7. Code Amendment: Designating Land Use Authority

Ordinance #07-16 - adopting a new Section 15-01-41, "Vacating or Altering Public Streets or Alleys", and amending Section 15-09-15, "Vacating or changing a Subdivision Plat", designating

the Mayor as the City's Land Use Authority to vacate or alter public streets or alleys.

Motion: **Chris McCandless** made the motion to adopt **Ordinance #07-16** - adopting a new Section 15-01-41, "Vacating of Altering Public Streets or Alleys", and amending Section 15-09-15, "Vacating or changing a Subdivision Plat", designating the Mayor as the City's Land Use Authority to vacate or alter public streets or alleys.

Second: **Steve Smith**

Vote: **McCandless –Yes, Smith – Yes, Anderson –Yes, Fairbanks –Yes, Saville - Yes, Cowdell- Yes, Tenney – Yes.**

All In Favor

MINUTES:

8. Approving the **March 20, 2007, March 27, 2007, and the April 3, 2007** City Council Meeting Minutes.

Motion: **Steve Fairbanks** made the motion to approve the March 20, 2007, and the April 3, 2007 City Council Minutes as written, and the March 27, 2007 minutes as amended.

Second: **Steve Smith**

Vote: **The Council responded verbally in the affirmative to the motion.**

9. **MAYOR'S REPORT**

a. **Mayor Dolan** reported that discussions are underway for the long-term planning of a solid waste transfer station in the City, also to acquire land from the Sandy Suburban District for the transfer station.

b. **Mayor Dolan** expressed appreciation to the Council members for their attendance at the Teacher Appreciation Dinner.

c. **Mayor Dolan** reported that five awards were presented to winners of the Sister Cities Art Competition. Awards were presented to the first, second, and third place winners, along with the Mayor's Pick, and the City Employees Award.

d. **Mayor Dolan** reported that he held a meeting with the Alta View Estates residents updating them on the numerous projects that are taking place in the City. The residents also presented a donation to the Sandy Boys and Girls Club that evening.

e. **Mayor Dolan** reported that the annual Community Coordinator Breakfast was held on Saturday, April 20th. Presentations were given by the Community Development Department, Code Enforcement. The Mayor presented an update on the City.

f. **Mayor Dolan** reported that the City received a proposal on a plan for the corner of 106th South 1300 East. Mayor Dolan stated that the Community Coordinators gave a favorable response to the proposal. He indicated that he would like the Council to review this proposal during an upcoming Planning Meeting.

g. **Mayor Dolan** reported that a permit was issued for the demolition of the old Wal-Mart Building on State Street near 10300 South. There will be new retail space built at this location.

Mayor Dolan reported that he met with the Speaker of the House to review issues for the upcoming Legislative Session, as well of concerns related to ReAL.

- i. **Mayor Dolan** reported that he met with the Metropolitan Water District regarding the project to cover the Provo City Canal. Also, changes are being proposed on the appointment process to the Central Utah Project [CUP] that will be addressed during the next Legislative Session.

10. **CAO'S REPORT**

a. **CAO Byron Jorgenson** reported that a mock disaster would be conducted with City Staff on Wednesday, April 25th, to help officials become prepared and aware of events that could take place in the event of an emergency.

b. **Byron Jorgenson** reported that the first School District Feasibility Study would be held on Tuesday, May 1st, in the Multi-Purpose Room, here at City Hall.

11. **COUNCIL OFFICE DIRECTOR'S REPORT**

a. **Phil Glenn** presented a copy of a professional services disclosure regarding the Dan Jones Survey for the School District Feasibility Study, and Sandy's portion of those costs. He presented a copy of the monthly calendar reminding the Council of the School Feasibility Study on May 1st, and to also remind the Council to come early enough to eat dinner prior to the meeting. He reported that town meetings would also be held on May 16th, May 29th, and May 31st, on the School District Study. The meeting that is scheduled for May 31st, will be held at Eastmont Middle School.

Phil Glenn presented a copy of an e-mail from Councilman Chris McCandless regarding the separation of the Sandy Boys and Girls Club from the South Valley Boys and Girls Club organization. Mr. McCandless requested that this issue be deferred until after May 10th.

At approximately 8:21 p.m., Steve Fairbanks made a motion to adjourn Council Meeting, motion seconded by Steve Smith.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Dennis B. Tenney	Pam Lehman
Council Chairwoman	Council Office Manager